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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,474	06/26/2001	Dale F. McIntyre	83010F-P	9394

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EXAMINER

JOO, JOSHUA

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,474

Applicant(s)

MCINTYRE ET AL.

Examiner

Joshua Joo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 06/26/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Claims 1-15 are rejected.

Specification

2. Applicant is required to update the status (U.S. Serial No., filed date) of copending and related applications in the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. The following claims lack proper antecedent basis:

- i) In claim 11, there is no previous mention of a said user.
- ii) In claim 11, there is no previous mention of a said computer. (Is the user computer the same as said computer?)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104 and Savitzsky et al, #6,571,271 (Savitzsky hereinafter).

7. As per claim 1, Jalili teaches an invention for a secure access of resources over the network through generating a unique icon. Jalili's invention comprises of:

8. Device for creating an electronic icon containing information unique to a particular user including information allowing access with respect to a particular file having said icon associated therewith over a communication network by a third party. (Column 8, lines 26-30. Server generates icons that include a password or a pin for the user access. Column 9, lines 14-15. Icon corresponds to relevant data to access a resource for a user. Column 5, lines 34-36. Communication may be a LAN, WAN, or wireless.)

9. Jalili does not mention that the resource is a digital media file. Savitzky teaches an invention of accessing files through a generated html page, where the files are digital images (Column 3, lines 10-20.)

10. It would have been obvious to one of ordinary skill in this art at the time of the invention was made to make the resources of Jalili's invention into digital media files because both inventions deal with accessing files from a linked object. Using digital media files will improve Jalili's invention because digital files provide better media quality since digital files can be reproduced more precisely.

11. As per claim 4, Jalili teaches the invention of claim 1, where system comprises a communication device for transferring files from said user computer over said computer network (Column 5, lines 28-32. Client system may be a computer. Column 5, lines 42-49. Client system may include a modem or network adaptor.)

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12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, Savitzsky, #6,571,271 as applied to claim 1, and in view of Hoyle, #6,771,290.

13. As per claim 2, Jalili teaches an invention where said device for creating said electronic icon comprises a user computer (Column 5, lines 31-33).

14. Jalili does not mention files stored in said computer. Hoyle teaches an invention for using links or shortcuts to access files stored on the computer (Column 15, lines 6-10).

15. It would have been obvious to one of ordinary skill in this art at the time of the invention was made to combine the teachings of Jalili and Hoyle because they both deal with using an image object as means to access files. By having the files stored locally on the computer, it would improve Jalili's invention by allowing faster access to desired files.

16. Claims 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104 and Savitzsky, #6,571,271 as applied to claim 1 and in view of Tomat et al, #6,784,925 (Tomat hereinafter).

17. As per claim 3, Jalili does not teach a system wherein an electronic camera is used to create said electronic icon and automatically associates said electronic icon with digital image file captured by said electronic camera.

18. Tomat teaches an invention, wherein a digital camera captures an image and stores a thumbnail of the captured image (Column 6, lines 11-13). The thumbnail image file is associated with the full-resolution image file (Column 8, lines 8-10).

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19. It would have been obvious to one of ordinary skill in this art at the time of the invention was made to combine the inventions of Jalili and Tomat because both inventions deal with using an image option to access a file. By using a camera to create an icon and associating it with the image, it would improve the functionality of Jalili's invention by allowing direct access to the images without a computer and using the icon to associate with the image provides better management of files.

20. As per claim 5, Jalili teaches an invention where the system has a communication device for transferring files to a service provider (Column 5, lines 42-50. Communication interface may be a modem or a network adaptor). The electronic icon has instructions for further processing of files (Column 7, lines 7-15. Icons may serve as an indicator of the data or password to be entered).

21. As per claim 6, Jalili does not teach a system wherein said provider provides confirmation of receipt of said digital media file to said electronic camera.

22. Tomat teaches an invention for uploading camera files to a server. The service provider provides a file upload status dialog, which indicates the file being transmitted. (Column 14, lines 18-28).

23. It would have been obvious to one of ordinary skill in this art at the time of the invention was made to combine the teachings of Jalili and Tomat because since both inventions deal with the accessing of files, using Tomat's confirmation of file transfer will increase the reliability of Jalili's invention by acknowledging that the file has been received, so the user knows not to resend the file.

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24. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, Savitzsky, #6,571,271, Tomat, #6,784,925 as applied to claim 6, and in view of Hara et al, #5,566,003 (Hara hereinafter).

25. As per claim 7, Jalili does not teach a system wherein said confirmation further includes confirmation of said instructions.

26. Hara teaches an invention for transmitting images wherein a confirmation is made for the receipt of instructions for transferring image data (Column 38, lines 4- 7).

27. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Jalili and Hara because both inventions deal with the sending of files over a communication path. The teachings of Hara wherein a confirmation is made for the receipt of instructions for data transfer would improve Jalili's invention because it increases the reliability of Jalili's invention by ensuring that the files are transferred properly and that the structure of the images are maintained during the file transfer.

28. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, Savitzsky, #6,571,271, Tomat #6,784,925 as applied to claim 5, and in view of Reed et al #6,044,205 (Reed hereinafter).

29. As per claim 8, Jalili does not teach of a system wherein said instructions includes the automatically forwarding of said digital image file to a third party.

30. Reed teaches an invention for an automated communication system, where instructions contain information for automatically transmitting documents (Column 10, lines 60-66).

31. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Jalili and Reed for the instructions to have information for automatically transmitting documents because doing so will improve Jalili's invention by allowing users and providers to easily establish a connection and simplify the process of transferring files.

32. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, Savitzsky, #6,571,271, Hoyle, #6,771,290 as applied to claim 2, and in view of Morris, #6,353,848.

33. As per claim 9, Jalili does not teach of an invention wherein a service provider having access to said digital media file so as to obtain said icon and allow access in accordance with said information.

34. Morris teaches an invention for allowing access to images on a camera over a network where a server has access to digital image files, retrieve a HTML file, and establish a connection between the web browser and the files (Column 13, lines 30-52).

35. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Jalili and Morris because the teachings of Morris to allow a server to access image files, retrieve data, and allowing accessing would improve the functionality of Jalili's invention by allowing remote access of the data located on the computer. This would allow the user to access the files on the computer from different locations.

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36. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, Savitzsky, #6,571,271, Tomat, #6,784,925 as applied to claim 5, and in view of Uchiyama, #6,731, 341.

37. As per claim 10, Jalili does not teach a system where said communication is a wireless phone.

38. Uchiyama teaches an invention for an electronic still camera where a cellular phone is mounted on an electronic camera (Column 12, lines 39-43).

39. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Jalili and Uchiyama because using a cellular phone for communications purposes will improve the capability of Jalili's invention by allowing images to be transferred from different locations, and it provides convenience in taking and sending images.

40. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, Savitzsky, #6,571,271, Hoyle, #6,771,290, and Morris #6,353,848.

41. As per claim 11, Jalili teaches an invention for a secure access of resources over the network through generating a unique icon. Jalili's invention comprises of:

42. Creating an electronic icon containing information unique to said user that includes information for allowing controlled access by a designated third party to a particular file stored on said computer. (Column 8, lines 26-30. Server generates icons that include a password or a pin for the user access. Column 9, lines 14-15. Icon corresponds to relevant data to access a resource for a user. Column 5, lines 34-36. Communication may be a LAN, WAN, or wireless.

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Column 5, lines 28-32. Client system may be a computer. Column 5, lines 42-49. Client system may include a modem or network adaptor.)

43. Jalili does not teach the invention wherein said service provider for accessing said user computer over said communication network and locating digital media files having said icon associated therewith and allow access to said digital media files by said designated third party.

44. Morris teaches an invention where a server has access to image files, retrieve data, and establishes a connection between the web browser and the files (Column 13, lines 30-52).

45. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Jalili and Morris because the teachings of Morris to allow a server to access image files, retrieve data, and allowing accessing would improve the functionality of Jalili's invention by allowing remote access of the data located on the computer. This would allow the user to access the files on the computer from different locations.

46. Jalili does not mention that the resource is a digital media file. Savitzky teaches an invention of accessing files through a generated html page, where the files are digital images (Column 3, lines 10-20.)

47. It would have been obvious to one of ordinary skill in this art at the time of the invention was made to make the resources of Jalili's invention into digital media files because both inventions deal with accessing files from a linked object and using digital media files will improve Jalili's invention because it will provide better quality since digital files can be reproduced precisely.

48. Jalili does not mention files stored in said computer. Hoyle teaches an invention for using links or shortcuts to access files stored on the computer (Column 15, lines 6-10).

49. It would have been obvious to one of ordinary skill in this art at the time of the invention was made to combine the teachings of Jalili and Hoyle because they both deal with using an image object as means to access files. By having the files stored locally on the computer, it would improve Jalili's invention by allowing faster access to desired files.

50. As per claim 12, Jalili teaches an invention wherein said information comprises instructions with respect to said files (Column 7, lines 7-15. Icon allows users to identify with a data element. Icons may serve as an indicator of the data or password to be entered).

51. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, Savitzsky, #6,571,271, Hoyle, #6,771,290, and Morris, #6,353,848 as applied to claim 11, and in view of Reed et al #6,044,205.

52. As per claim 13, Jalili does not teach of a system wherein said instructions includes the automatically forwarding of said digital image file to a third party.

53. Reed teaches an invention for an automated communication system, where instructions contain information for automatically transmitting documents (Column 10, lines 60-66).

54. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Jalili and Reed for the instructions to have information for automatically transmitting documents because doing so will allow users and providers to easily establish a connection and simplify the process of transferring files.

55. As per claim 14, Morris teaches a system wherein instruction comprises of forwarding the electronic address said digital media file to said designated third party such that said designated third party may directly access said digital media file. (Column 11, lines 25-33. Registration information is send which includes information to locate camera. Column 13, lines 30-52. A connection is established between web browser and camera so user can access images.)

56. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili, #6,209,104, Savitzsky, #6,571,271, Hoyle, #6,771,290, Morris, #6,353,848, Reed #6,044,205 as applied to claim 14, and in view of Tomat #6,784,925

57. As per claim 15, Jalili does not teach a method wherein said digital media file is a low-resolution copy of a higher resolution media file.

58. Tomat teaches an invention wherein the digital media file is a low-resolution copy of a higher resolution media file (Column 6, lines 11-14).

59. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Jalili and Tomat because since Jalili invention deals with accessing files over the network, having a file of low-resolution will improve the efficiency of Jalili's invention because having a file of lower image quality will allow quicker access and previewing of images. The user does not have to access the large file to preview the image.

Conclusion

60. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

61. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 703 605-4345. The examiner can normally be reached on Monday to Friday 7 to 4.

62. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on 703 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

63. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 27, 2004
JJ

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